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7 *Attorneys for Complainant*

8
9 **BEFORE THE**
10 **BOARD OF REGISTERED NURSING**
11 **DEPARTMENT OF CONSUMER AFFAIRS**
12 **STATE OF CALIFORNIA**

13 In the Matter of the Accusation Against:

Case No. **2012-28**

14 **LISA LEIGH BURKLE,**
15 **AKA LISA PARKS BURKLE**
2003 Baywood Court #208
16 Lancaster, CA 93536

A C C U S A T I O N

17 **Registered Nurse License No. 750527**

18 Respondent.

19 Complainant alleges:

20 **PARTIES**

21 1. Louise R. Bailey, M.Ed., RN (Complainant) brings this Accusation solely in her
22 official capacity as the Executive Officer of the Board of Registered Nursing, Department of
23 Consumer Affairs.

24 2. On or about May 15, 2009, the Board of Registered Nursing issued Registered Nurse
25 License Number 750527 to Lisa Leigh Burkley, aka Lisa Parks Burkley (Respondent). The
26 Registered Nurse License was in full force and effect at all times relevant to the charges brought
27 herein and will expire on April 30, 2013, unless renewed.

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1 CAUSE FOR DISCIPLINE

2 **(Disciplinary Action by North Carolina Board of Nursing)**

3 8. Respondent is subject to disciplinary action under pursuant to Code section 2761,
4 subdivision (a)(4), on the grounds of unprofessional conduct, in that she was disciplined by the
5 Board of Nursing of the State of North Carolina (hereinafter "North Carolina Board"), as follows:

6 9. On or about December 3, 2010, pursuant to an Order to Suspend Following Non-
7 Compliance with Intervention Program by the North Carolina Board against Respondent's
8 Registered Nurse Certificate #104852, the North Carolina Board terminated Respondent's
9 participation in its substance abuse intervention program and suspended Respondent's Registered
10 Nurse Certificate for a minimum of one (1) year and until the Licensee submits evidence of one
11 (1) year of no failed drug screens prior to petitioning for reinstatement before the Licensure
12 Review Panel of the North Carolina Board. Respondent had entered into the intervention
13 program because she had tested positive for a controlled substance without a prescription. The
14 North Carolina Board terminated Respondent's participation in the intervention program and
15 suspended her license because she tested positive for ethanol. A true and correct copy of the
16 Order and Intervention Program Contract are attached hereto as Exhibit A and incorporated
17 herein by reference.

18 PRAYER

19 WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged,
20 and that following the hearing, the Board of Registered Nursing issue a decision:

21 1. Revoking or suspending Registered Nurse License Number 750527, issued to Lisa
22 Leigh Burkle, aka Lisa Parks Burkle;

23 2. Ordering Lisa Leigh Burkle to pay the Board of Registered Nursing the reasonable
24 costs of the investigation and enforcement of this case, pursuant to Business and Professions
25 Code section 125.3; and,

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3. Taking such other and further action as deemed necessary and proper.

DATED:

July 14, 2011

Louise R. Bailey

LOUISE R. BAILEY, M.ED., RN
Executive Officer
Board of Registered Nursing
State of California
Complainant

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EXHIBIT A

Order Issued by North Carolina Board of Nursing

Pamela B. Edwards, Ed.D, MSN, RN-BC, CNE
Chair
Deborah L. Jenkins, LPN
Vice-Chair
Julia L. George, RN, MSN, FRI
Executive Director

NC BOARD OF NURSING

P.O. Box 2129
Raleigh, North Carolina 27602
919.782.3211
FAX 919.781.9461
Nurse Aide II Registry 919.782.7499
www.ncbon.com

12/03/2010

Board of Registered Nursing
P.O. Box 944210
Sacramento, CA 94244-2100

Re: Lisa Parks Burkle
NC RN#104852
CA RN#750527
DOB: 3/13/1964

Dear Sir/Madam:

This letter is to advise that Lisa Parks Burkle's North Carolina Registered Nursing license was suspended for a minimum of one (1) year in North Carolina effective 12/3/2010. Ms. Burkle was a participant in the Intervention Program, but failed to comply with program requirements. I am aware that Ms. Burkle is/was licensed in your jurisdiction. If you have any questions, please do not hesitate to contact me.

Regards,



Alison Bailey
Investigation/Monitoring Coordinator
abailey@ncbon.com
919-782-3211 ext. 257

Pamela B. Edwards, Ed.D, MSN, RN-BC, CNE
Chair
Nancy Bruton-Maree, CRNA, MS
Vice-Chair
Julia L. George, RN, MSN, FRE
Executive Director

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February 14, 2011

California Board of Registered Nursing
Mr. Edward Montoya
1625 N. Market Blvd, Ste N-217
Sacramento, CA 95834

RE: LISA P BURKLE, RN# 104852

Dear Mr. Montoya:

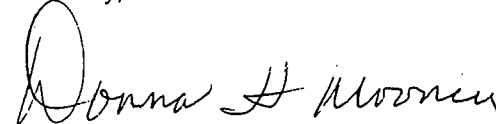
In response to your request dated January 12, 2011, enclosed are true copies of the disciplinary action taken against Ms. Burkle's RN license. This information is as follows:

- 1) North Carolina Board of Nursing Intervention Program (IP) Contract dated March 1, 2010
- 2) Order to Suspend Following Non-compliance with Intervention Program (IP) dated December 3, 2010

As custodian of the records, I certify that this information is true and accurate.

If I can be of further assistance, please do not hesitate to call or write.

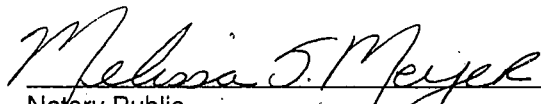
Sincerely,



Donna H. Mooney, RN, MBA
Manager of Discipline Proceedings

State of North Carolina
County of Wake

Sworn to and subscribed before me
This the 14th day of February, 2011


Notary Public
My commission expires 3/17/2014



NORTH CAROLINA BOARD OF NURSING

INTERVENTION PROGRAM (IP)
CONTRACT

Lisa Burke (RN/LPN), State of Licensure NC, Certificate # 104852
having been advised by the North Carolina Board of Nursing (hereinafter referred to as
("Board")) of pending charges and the right to have an Administrative Hearing in
accordance with NCGS 150B, does hereby voluntarily waive the right to a Hearing.

Licensee agrees to all conditions as explained to Licensee by Candy Elliott
Monitoring Coordinator (Name and Title) on (Date).
via telephone.

Licensee has:
☒ Tested positive for an illicit drug
or
☐ Been convicted of a DWI with one or more grossly aggravating factors

Licensee voluntarily agrees to the following:

- Begin random body fluid screening in accordance with Board policies;
- Abstain from all chemical and alcohol substances except as may be prescribed for a medical condition by a licensed practitioner;
- Have evaluation by an Addictionologist to determine if there is a diagnosis of chemical dependency;
- Submit required monitoring reports.

Licensee understands his/her name will be submitted to FirstLab, the agency which oversees random body fluid screening, and Licensee will receive information to register with FirstLab for random screening. Licensee acknowledges receipt of the FirstLab Registration Packet and understands he/she must register with FirstLab within ten (10) business days from the date this contract is signed which will be 3/17/2010. After registering with FirstLab, Licensee must begin calling FirstLab for random screening on the next business day. Licensee understands he/she must continue to drug screen, regardless of employment status, until Licensee has completed four (4) satisfactory quarterly work performance evaluation reports and has been notified the Intervention Program (IP) has been completed.

The appointment with the Addictionologist must be made within ten (10) business days from the date this contract is signed which will be 3/17/2010. Licensee further agrees to notify the IP at least five (5) business days prior to the appointment with the Addictionologist. At that time Licensee must submit the Addictionologist's name, telephone number and appointment date in order for Board staff to speak with the Addictionologist.

The Addictionologist's evaluation must be submitted to the IP within forty-five (45) days of the date this contract is signed which will be 5/5/2010. Failure to submit the evaluation within forty-five (45) business days, and/or failure to begin random screening within eleven (11) business days, will mean Licensee no longer wishes to participate in

the IP. Therefore, the license/privilege to practice will be suspended for a minimum of one (1) year. Licensee will be required to appear before the Licensure Review Panel to petition for reinstatement of license/privilege to practice.

Licensee hereby gives authorization to the Addictionologist to share the findings and recommendations with the Board. Licensee also authorizes the Board staff to share any information it may have with the Addictionologist and other health care providers.

Licensee understands if the Addictionologist:

- a. Makes a diagnosis of chemical dependency, Licensee will be offered the Alternative Program (AP). If Licensee does not accept the offer of the AP, or if Licensee is ineligible, Licensee will be required to enter the Chemical Dependency Discipline Program (CDDP). If Licensee refuses CDDP, license/privilege to practice will be suspended for a minimum of one (1) year.

Licensee will be monitored for three (3) years after returning to licensed nursing practice in the AP or CDDP, or until Licensee successfully fulfills the contract requirements. If Licensee fails to successfully complete the AP or the CDDP contract, license/privilege to practice will be voluntarily surrendered until Licensee submits evidence of a minimum of one (1) year of sobriety.

- b. Makes no diagnosis of chemical dependency, Licensee agrees to follow all recommendations made by the addictionologist. The conditions listed below are to be in place until the Licensee has completed four (4) satisfactory quarterly work performance evaluation reports while working in a licensed nursing position. The first work performance evaluation report will be due ~~four (4)~~ months from the date of signing this contract which will be three (3)

To be determined. 5/30

The IP conditions will be:

1. Must comply with the Board's IP. Licensee shall fully comply with the terms and conditions of the Program established by the Board, and cooperate with representatives of the Board in its monitoring and investigation of compliance with the Program.
2. Must notify the Board, in writing, within five (5) days of any change in address or employer. This includes new employment or probation, suspension, termination and/or resignation from employment. If licensee is employed at time of signing IP Contract, Notification of Employment form must be submitted within five (5) days.
3. Must have quarterly written performance reports submitted to the Board from all employers. (The quarterly reports must involve three (3) consecutive months of employment in the same facility and must show a minimum of sixty-four (64) hours worked per month).
4. Must continue to perform duties in a safe and competent manner, satisfactory to the Board.
5. Must notify the Board, in writing, within five (5) days of any DUI, misdemeanor and/or felony charges. Following final disposition of the charges, notify the Board, in writing, within three (3) days of the outcome.
6. During the period of monitoring shall appear in person at interviews/meetings as directed by the Board.
7. Must submit to random drug screens showing chain of custody.

8. Must remain drug and alcohol free.
9. If licensee is on supervised court probation related to the reason for entering IP, while in IP licensee must continue to submit court probation reports until supervised probation is completed. If this extends beyond the time the fourth quarterly written performance report is completed, licensee may stop drug screening and is no longer required to submit quarterly work performance reports; but licensee may not complete the IP until supervised court probation is terminated.
10. If licensee is on supervised court probation unrelated to reason for entering IP, case may be transferred to Manager of Discipline Proceedings for whatever action is deemed appropriate. This may result in the transferring of this case to a published disciplinary program.

Whenever medication is prescribed, it is the Licensee's responsibility to provide the prescribing practitioner with the form supplied by FirstLab, entitled "Prescription Identification Form". The prescribing practitioner returns the completed form to FirstLab within five (5) days of prescribing the medication. The Licensee submits a copy to the Program within five (5) days of the prescription being written.

The consumption of any over-the-counter antihistamine, decongestant, or cough syrup medications must be reported in writing to the Program within seventy-two hours of the first dose. Any concerns regarding appropriateness of medications as they relate to participation in the Program will be reviewed.

Licensee agrees to notify the IP if hospitalized or scheduled to undergo any surgical procedure on an out-patient basis.

Submit random urine/blood specimens for analysis showing chain of custody as requested by employer or the IP. Licensee must comply with policies related to screening process and remain current with any fees related to the screening.

If the licensee's drug screen is positive, licensee will refrain from practice until further testing or investigation is completed.

Licensee will not violate the Nursing Practice Act nor any rules promulgated by the Board.

Privacy is respected; however, confidentiality is not assured. Licensee will sign Authorization for Disclosure and Exchange of Information for employers and healthcare providers to provide pertinent information to the IP, and to discuss issues relating to the licensee's program participation and nursing practice.

This document and all information regarding the licensee's participation in the program will be shared with other jurisdictions should the licensee seek endorsement, or reinstatement of license(s).

Licensee understands if the Program has evidence the Licensee is not in compliance with the Program, participation in the Program will be terminated and the license will be suspended for at least one (1) year. This and subsequent action is public information. Additionally, the Licensee may withdraw from the Contract at any time and the license will be suspended for at least one (1) year.

Non-compliance with the IP Contract due to failing to follow policies for drug screening and/or having a positive drug screen will result in suspension of the license/privilege to practice for a minimum of one (1) year, re-evaluation by an addictionologist with evidence of following any recommendations, and submission of evidence of one (1) year of no failed drug screens prior to appearance at Licensure Review Panel (LRP).

Non-compliance with the IP Contract for other reasons may result in suspension of the license/privilege to practice and appearance at Licensure Review Panel (LRP) upon request of the licensee.

Licensee's participation in this program will remain non-published as long as Licensee complies with the terms of the contract. Should Licensee fail to comply with the contract requirements, this will be considered discipline and Licensee's name will be published on the Board's Website. This information will also be reported to the appropriate State and Federal agencies.

Licensee fully understands and agrees, that if suspended, Licensee shall not practice nursing during the time license/privilege to practice is held by the Board; and in turn, the Board agrees to consider Licensee's petition for review of licensure status at some point in the future.

It is the Licensee's responsibility to contact the Program if the licensee has any questions concerning this Contract.

LICENSEE HEREBY AGREES THAT IN ACCORDANCE WITH THE INTERSTATE COMPACT FOR NURSE LICENSURE, LICENSEE SHALL NOT PARTICIPATE IN ANY OTHER PARTY STATE WHILE PARTICIPATING IN THE IP WITHOUT PRIOR WRITTEN AUTHORIZATION FROM THE NORTH CAROLINA BOARD OF NURSING AND THE OTHER PARTY STATE. LICENSEE MUST PROVIDE EVIDENCE OF SUCH AUTHORIZATION FROM THE OTHER PARTY STATE TO THE NORTH CAROLINA BOARD OF NURSING.

3/1/2010
Date

Lisa Burpee
Signature

Candace Elliott
Board representative

Revised 8/7/08

**ORDER to Suspend Following
Non-Compliance with
Intervention Program (IP)**

Before the Board of Nursing of the State of North Carolina

Pursuant to the authority vested by Article 9A, Chapter 90 of the General Statutes of North Carolina and Article 3A of Chapter 150B-38 of the General Statutes of North Carolina, the North Carolina Board of Nursing (hereafter known as the Board) **suspends** of the Registered Nurse license of Lisa Parks Burkle for violation of the **IP** contract.

- 1) Lisa Parks Burkle is the holder of Registered Nurse Certificate # 104852 in the State of North Carolina which expires on 03/31/2011.
- 2) On **3/1/2010**, Lisa Parks Burkle signed a **contract** for participation in the Board's **IP**.
- 3) Participation in the program requires that the Licensee must adhere to all the provisions of the **contract**.
- 4) The **contract** conditions clearly state that if evidence was received of non-compliance with the terms of the **contract**, participation in the program would be terminated and the license would be **suspended** for a minimum of one (1) year and until the Licensee submits evidence of one (1) year of no failed drug screens prior to petitioning for reinstatement before the Licensure Review Panel.
- 5) On **12/3/2010** it was determined Lisa Parks Burkle failed to comply with the terms of the IP.
- 6) Therefore, the license of Lisa Parks Burkle is hereby **SUSPENDED** and the Licensee must immediately **CEASE AND DESIST** from the practice of Nursing in North Carolina.
- 7) Because the violation constitutes a breach of a contract, with specified consequences related to such breach, there is no right to appeal this decision.
- 8) This ORDER to **Suspend** will be placed in the Licensee's file and becomes a public record pursuant to the North Carolina Public Record Statute G.S. Chapter 132 and Board policy.
- 9) The Licensee's name will appear on the Board's Website indicating that the license was **suspended** for non-compliance with program requirements.
- 10) During the time of **suspension**, the Licensee is not to work as an NAI, and it will be recommended to Division of Health Services Regulation that the Licensee not be allowed to list as a NAI.
- 11) All disciplinary actions taken by the Board of Nursing will be reported to the appropriate entities as outlined in Board policy, and as required by State and/or Federal guidelines. Those entities include, but may not be limited to: NURSYS;

National Practitioner Databank (NPDB); the office of the Inspector General;
Healthcare Integrity and Protection Databank (HIPDB); and any other
state/jurisdiction in which we know the Licensee is or has been licensed.

This the 3rd day of December, 2010.


Kathleen G. Privette, RN, MSN, CNAA-BC
Consultant, Drug Monitoring Programs

2010 DEC 03 PM 02:00

2010 DEC 03 PM 02:00